

Lynelle J. Slivinski (LS 1210)
**OGLETREE, DEAKINS, NASH,
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(212) 292-4314
lynelle.slivinski@ogletreedeakins.com

Attorneys for Defendant
Sun Life Insurance & Annuity
Company of New York

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JACK B. LEMONIK,

Plaintiff,

v.

SUN LIFE INSURANCE & ANNUITY
COMPANY OF NEW YORK,

Defendants.

Case No. 08 CIV. 0900 (JSR)

Civil Action

**NOTICE OF MOTION TO ADMIT
ERIC P. MATHISEN, ESQ., *PRO HAC*
VICE PURSUANT TO LOCAL RULE
1.3(c)**

To: Brad A. Schlossberg, Esq.
Quadrino Schwartz
666 Old Country Road - Ninth Floor
Garden City, New York 11530

COUNSEL:

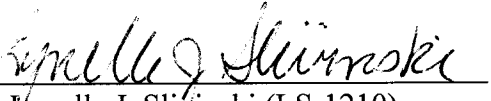
PLEASE TAKE NOTICE that on a date to be scheduled by the United States District Court for the Southern District of New York, defendant Sun Life Insurance & Annuity Company of New York shall move for an Order admitting Eric P. Mathisen, Esq., as a visiting attorney *pro hac vice* to participate in all proceedings relative to the above-captioned matter.

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FILED
U.S. DISTRICT COURT
S.D. OF N.Y. E.D.
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PLEASE TAKE FURTHER NOTICE that in support of this application, defendant shall rely upon the accompanying Affidavits of Eric P. Mathisen, Esq., and Lynelle J. Slivinski, Esq. A proposed form of Order is being concurrently submitted.

Respectfully submitted,

By: 
Lynelle J. Slivinski (LS-1210)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
521 Fifth Avenue, Suite 1700
New York, New York 10017
lynelle.slivinski@ogletreedeakins.com
(212) 292-4314

Dated: April 26, 2008

ERIC P. MATHISEN
**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**
Two First National Plaza, 25th Floor
20 South Clark Street
Chicago, Illinois 60603

Attorneys for Defendants
Sun Life Insurance & Annuity
Company of New York

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JACK B. LEMONICK,

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COMPANY OF NEW YORK,

Defendants.

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: Case No. 08 CIV. 0900 (JSR)

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: *Civil Action*

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: **AFFIDAVIT OF ERIC P. MATHISEN,
ESQ., IN SUPPORT OF MOTION FOR
ADMISSION *PRO HAC VICE***

ERIC P. MATHISEN, ESQ., being of full age, avers and states as follows:

1. I am Of Counsel in the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I submit this Affidavit in support of my application for permission to appear *pro hac vice* on behalf of Defendant Sun Life Insurance & Annuity Company of New York in the above-captioned matter.

2. I represent Defendant in the above-captioned matter along with Lynelle J. Slivinski, of counsel with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and a member in good standing of the bar of this Court.

3. This is a claim for benefits pursuant to the Employee Retirement Income Security Act of 1974, as amended, ("ERISA") 29 U.S.C. §1001, *et. seq.* Due to the intricacies of ERISA and my focus on ERISA litigation, Defendant asked that I defend this case with Ms. Slivinski. I have served as counsel for Defendant in numerous other ERISA cases throughout the United States.

4. I received my law degree from Valparaiso University in 1996.

5. I am a member in good standing of the bar of the State of Indiana, and am admitted to practice before all levels of the Indiana state courts. *See* Exhibit A.

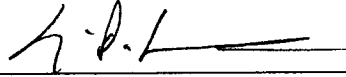
6. I am also admitted to and a member in good standing of the United States District Courts for the Northern and Southern Districts of Indiana, the Northern and Southern Districts of Illinois, the Northern District of Texas, the District of Colorado, and the Eastern District of Wisconsin.

7. I am not under suspension, disbarment, or any other discipline or disciplinary procedure of any Court.

8. If admitted *pro hac vice*, I will conduct myself as an attorney of this Court uprightly and according to the law, and I will support and defend the Constitution of the United States.

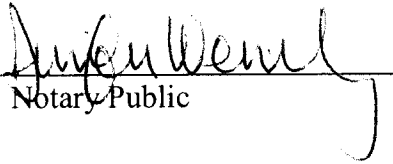
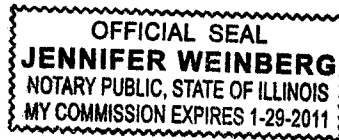
9. Accordingly, for the foregoing reasons, I respectfully request to be admitted as a visiting attorney *pro hac vice* to participate in all proceedings relative to the above-captioned matter.

I hereby aver that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Eric P. Mathisen

Sworn to and subscribed
before me this 11 day
of April 2008


Notary Public

SUPREME COURT OF THE STATE OF INDIANA



Certification

STATE OF INDIANA, SS:

I, Kevin S. Smith, Clerk of the Supreme Court
of Indiana, do hereby certify that

ERIC PETER MATHISEN

is a member of the bar of said Court since admission on
NOVEMBER 4th 1996, and is in good
standing therein.

GIVEN under my hand and the seal of said Court at Indianapolis,
Indiana, this 25th day of MARCH, 20 08.

A handwritten signature in cursive script, appearing to read "Kevin S. Smith", is written over a horizontal line.

KEVIN S. SMITH
CLERK, SUPREME COURT OF INDIANA

Lynelle J. Slivinski (LS 1210)
**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**
521 Fifth Avenue, Suite 1700
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Attorneys for Defendant
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Case No. 08 CIV. 0900 (JSR)

Civil Action

**AFFIDAVIT OF LYNELLE J.
SLIVINSKI, ESQ., IN SUPPORT
OF MOTION TO ADMIT ERIC P.
MATHISEN, ESQ., *PRO HAC VICE***

LYNELLE J. SLIVINSKI, ESQ., being of full age, avers and states as follows:

1. I am an attorney-at-law and Of Counsel of the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., attorneys for defendant Sun Life Insurance & Annuity Company of New York.

2. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of defendant's motion to admit Eric P. Mathisen, Esq., as counsel *pro hac vice* pursuant to Local Rule 1.3(c).

3. I have been a member in good standing of the bar of the State of New York since 2000. I was also admitted to the bar of the United States District Court for the Southern District of New York in 2000, and am in good standing with this Court as well.

4. I have known Eric P. Mathisen since November 2007.

5. Mr. Mathisen is Of Counsel with Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

6. I have found Mr. Mathisen to be a skilled attorney and person of integrity. He is experienced in employee benefits/ERISA litigation, federal practice, and is familiar with the Federal Rules of Civil Procedure.

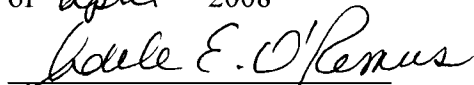
7. Accordingly, I am pleased to move the admission of Eric P. Mathisen, Esq., *pro hac vice*.

8. I respectfully submit a proposed order granting the admission of Eric P. Mathisen, Esq., *pro hac vice*, which is simultaneously filed herewith.

I hereby aver that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Lynelle J. Slivinski

Sworn to and subscribed
Before me this 21st day
of April 2008


Notary **Adelle E. O'Remus**
Notary Public of New Jersey
My Commission Expires March 31, 2010

Lynelle J. Slivinski (LS 1210)
**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**
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Case No. 08 CIV. 0900 (JSR)

Civil Action

**ORDER ADMITTING ERIC P.
MATHISEN, ESQ., *PRO HAC VICE*
PURSUANT TO LOCAL RULE 1.3(c)**

THIS MATTER, having come before the Court upon the application of Defendant SUN LIFE INSURANCE & ANNUITY COMPANY OF NEW YORK for an Order pursuant to Local Rule 1.3(c);

IT IS on this _____ day of April 2008

ORDERED that Eric P. Mathisen, Esq., in good standing, be admitted as a visiting attorney, *pro hac vice*, to participate in all proceedings relative to the above-captioned matter.

SO ORDERED

Honorable Jed S. Rakoff, U.S.D.J.

Lynelle J. Slivinski (LS-1210)
**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**
521 Fifth Avenue, Suite 1700
New York, New York 10175
Telephone: (212) 292-4314
lynelle.slivinski@ogletreedeakins.com

Attorneys for Defendant
Sun Life Insurance & Annuity
Company of New York

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CERTIFICATE OF SERVICE

(Via First Class Mail)

I am over the age of 18 and not a party to this action. On this date, I served a true copy of the following documents:

**NOTICE OF MOTION TO ADMIT ERIC P. MATHISEN, ESQ., *PRO HAC VICE*
PURSUANT TO LOCAL RULE 1.3(c);**

**AFFIDAVIT OF ERIC P. MATHISEN, ESQ., IN SUPPORT OF MOTION TO
ADMIT COUNSEL *PRO HAC VICE*;**

**AFFIDAVIT OF LYNELLE J. SLIVINSKI, ESQ., IN SUPPORT OF MOTION TO
ADMIT ERIC P. MATHISEN, ESQ., *PRO HAC VICE*; and**

**[PROPOSED] ORDER ADMITTING ERIC P. MATHISEN, ESQ., *PRO HAC*
VICE PURSUANT TO LOCAL RULE 1.3(c).**

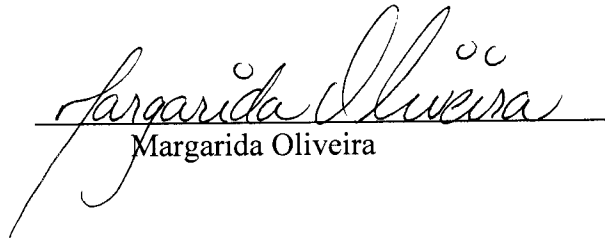
on the party listed below, via first class mail, to the last known address of his attorneys of record as follows:

Brad A. Schlossberg, Esq.
Quadrino Schwartz
666 Old Country Road – Ninth Floor
Garden City, New York 11530

Counsel for plaintiff
Jack B. Lemonik

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 21, 2008


Margarida Oliveira